

Race Apologies

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“S[outh] Africa opens wounds to heal wrongs of [the] past.”¹

I. INTRODUCTION

My presentation on the Historical Perspectives panel looks to the past to move toward the future. It addresses a question of both process and substance: how can racial groups redress historical wrongs inflicted by one group upon the other in order to overcome present-day obstacles to peaceable and productive group interactions? In particular I focus on race apologies—or more encompassingly, apologies and reparations.²

Since the United States’ 1988 apology to and monetary reparations for Japanese Americans wrongfully interned during World War II,³ America has experienced a spate of race-related apologies. The apologies range from Congress’ apology to indigenous Hawaiians in 1993 for the illegal United States-aided overthrow of the sovereign Hawaiian nation,⁴ to the Southern Baptists’ apology to African American church members for the denomination’s endorsement of slavery,⁵ to the Florida legislature’s \$2 million reparations to black survivors of government-backed murder and mayhem in the black town of Rosewood,⁶ to Ice Cube’s apology to Korean American merchants for his rap “Black Korea” that threatened the burning of Korean stores,⁷ to Rutgers

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1. Lee Michael Katz, *S. Africa Opens Wounds To Heal Wrongs of Past*, USA TODAY, Oct. 21, 1996, at 13A.

2. See generally Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987).

3. See Eric K. Yamamoto, *Friend, Foe or Something Else: Social Meanings of Redress and Reparations*, 20 DENV. J. INT’L L. & POL’Y 223 (1992).

4. See *infra* Appendix p. 68.

5. See *infra* Appendix pp. 73-74.

6. See *infra* Appendix pp. 70-71.

7. See *infra* Appendix pp. 81-82.

University President's apology for indicating that blacks lacked the "genetic background" to perform well on standardized tests,⁸ to Senator D'Amato's pseudo-apology for his linguistic mocking of Judge Lance Ito's Japanese ancestry.⁹ Several racial justice grievances with pending claims for apologies and reparations include African American claims for reparations for the harms of slavery,¹⁰ a suit for reparations by Peruvian Japanese abducted from Peru by the United States during World War II and interned in America's concentration camps,¹¹ and Native Hawaiian claims for reparations from the United States.¹²

These recent past and potential future race apologies in the United States are part of a worldwide phenomenon that includes Queen Elizabeth's apology to and reparations for New Zealand's Maoris for British-initiated nineteenth-century bloody race wars,¹³ French President Chirac's recognition of French complicity in the deportation of 76,000 Jews to Nazi concentration camps,¹⁴ the Catholic Church's apology for its assimilationist policy in Australia that contributed to Aborigines' spiritual and cultural destruction,¹⁵ and the Evangelical Lutheran Church of America's apology for founder Martin Luther's damaging anti-Semitism.¹⁶ I include in the appendix to this essay a long catalog of these and other recent race apologies.

While I employ the term race apologies to emphasize race concerns, many of the apologies are also in important respects gendered and class-related. The call for the Japanese government to apologize to and provide reparations

8. *See infra* Appendix pp. 83-84.

9. *See infra* Appendix p. 80.

10. The African-American Reparations Study Act, H.R. 40, 105th Cong. (1997) (introduced by Congressperson John Conyers).

11. *Latin America's Japanese Want Reparations from U.S.*, ARIZ. REP., Aug. 31, 1996, at A33.

12. Office of Hawaiian Affairs, Draft Blueprint for Native Hawaiian Entitlements (Sept. 2, 1989) (on file with author).

13. *See supra* Appendix pp. 69-70.

14. *See supra* Appendix p. 71.

15. *See supra* Appendix p. 72.

16. *See supra* Appendix pp. 74-75.

for the poor Korean women enslaved and forced into prostitution during the Second World War is an example.¹⁷

What potential does the wave of race apologies hold for the redress of justice grievances among racial groups in the United States? For, where appropriate, interracial reconciliation? When do apologies lead to meaningful restructuring of intergroup relations? When are they simply masks for continuing status quo oppression? As a beginning response to these questions, I examine in this essay the reparatory efforts of South Africa's Truth and Reconciliation Commission. As the epigraph suggests, the Commission is endeavoring to foster racial reconciliation by healing the wounds of human rights abuses. The Commission's work, described in Section II, is relevant to racial groups in the United States who harbor justice grievances against one another while endeavoring to "live together peaceably but also work together politically."¹⁸ To broadly assess the Commission's work to date, I describe and employ in Section IV points of inquiry that are part of a framework of interracial justice I am developing in other works.¹⁹

II. THE TRUTH AND RECONCILIATION COMMISSION

Following the fall of apartheid, Nelson Mandela joined hands with F.W. de Klerk and declared, "Let's forget the past! What's done is done!"²⁰ Mandela, head of South Africa's new government and former prisoner of de Klerk's white National Party regime, sent a clear message: Reconciliation between whites and blacks is a fundamental first step toward healing historic wounds and rebuilding the nation. Since this optimistic proclamation, the process of interracial healing has lurched forward.

17. Catalina Ortiz, *Scholars Search for Ways to Force Japan War Apology*, HONOLULU ADVERTISER, Dec. 8, 1996, at A18.

18. Eric K. Yamamoto, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, 3 ASIAN PAC. AM. L.J. 33, 33 (1995).

19. See *id.*; ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: GRIEVANCE AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (forthcoming) [hereinafter YAMAMOTO, *INTERRACIAL JUSTICE*].

20. Mark Gevisser, *Can South Africa Face Its Past?*, NATION, June 26, 1995, at 916. See generally JOHN DUGARD, *HUMAN RIGHTS AND THE SOUTH AFRICAN LEGAL ORDER* (1978) (describing "security" laws resulting in detention, torture and death with process protections); ZIYAD MOTALA, *CONSTITUTIONAL OPTIONS FOR A DEMOCRATIC SOUTH AFRICA: A COMPARATIVE PERSPECTIVE* (1994); LEONARD THOMPSON, *A HISTORY OF SOUTH AFRICA* (1990) (describing apartheid segregation laws); Adrien Katherine Wing, *Towards Democracy in a New South Africa*, 16 MICH. J. INT'L L. 689 (1995) (describing the transition from apartheid to a constitutional democracy).

Among his first presidential acts, Mandela signed the Promotion of National Unity and Reconciliation Bill²¹ and established the Truth and Reconciliation Commission. Headed by Nobel Peace Laureate Archbishop Desmond Tutu, the seventeen-member Commission includes psychologists, lawyers and scholars selected by experts and appointed by Mandela.²² Its staff numbers 150 and its two-year budget is \$40 million.²³ The Commission is composed of three committees with distinct but related functions: the first function is to investigate gross violations of human rights; the second, to consider amnesty for those who confess to political crimes; and the third, to recommend nonmonetary reparations for victims.²⁴

According to Justice Minister Dullah Omar, an author of the Reconciliation Bill, the Commission's larger task is to initiate a healing process that fosters genuine reconciliation between the races. "There is a need for understanding, but not for vengeance, a need for reparation, but not for retaliation."²⁵ Commission proponents believe that healing is achievable and that South African society can move beyond apartheid if those who inflicted racial wounds acknowledge the suffering they wrought and accept appropriate responsibility. The Commission's work is deemed especially important by many in light of the perceived failure of the current South African courts and criminal laws to bring apartheid abusers to justice—as evidenced by the recent acquittal of former apartheid Defense Minister Magnus Malan and others on charges of ordering a massacre in a black township.²⁶

A first step in the Commission's process is storytelling by those physically and emotionally scarred. For Archbishop Tutu, the catharsis of

21. Kenneth Christie, *South African Truth Commission Performs Vital Role*, STRAITS TIMES, Apr. 25, 1996, at 39. See generally Priscilla B. Hayner, *Fifteen Truth Commissions—1974 to 1994: A Comparative Study*, 16 HUM. RTS. Q. 597 (1994) (describing truth commissions in countries throughout the world).

22. Arno Mayer, *South Africa Begins Digesting the Apartheid Era*, DEUTSCHE PRESSE-AGENTUR, Dec. 3, 1995.

23. Christie, *supra* note 21.

24. Alexandra Zavis, *Panel Faces Truth, Fear, and Anger: Apartheid's Past Is Confronted*, HOUS. CHRON., Mar. 2, 1996, at 23.

25. Robert Block, *Apartheid Sinners Confront the Truth*, INDEPENDENT (London), May 19, 1995, at 14.

26. Katz, *supra* note 1, at 13A (describing the "controversial decision" which "shook South Africa" and quoting Archbishop Tutu as saying that "acquittal in a criminal court says nothing about the moral guilt or innocence of the individual concerned").

personal storytelling is as necessary to South Africa's healing as the broader legal and governmental changes: "The consequences of apartheid cannot be wiped away simply by democratic decisionmaking structures or even by large sums of money for housing, education, health, and job creation."²⁷ Saths Cooper, director of the Family Institute in Johannesburg, agrees, maintaining that "a broad commission allowing the victims to articulate their suffering is essential for reconciliation. 'The degree of hurt, bitterness, and anger is still palpable No amount of legislation will remove that.'"²⁸

A second step in the Commission's process is acknowledgment of harm by wrongdoers. The Commission "hopes to encourage political criminals on all sides to confess in detail to their acts."²⁹ Criminal confessions are fostered by assurances of amnesty, offering "perpetrators of human-rights abuses a kind of giant national plea bargain."³⁰ Their stories and apologies, Commission proponents hope, will lead to a sense of closure for those who suffered. Commission supporters believe that perpetrator storytelling and amnesty will also prevent protracted litigation and adversarialness in reconstructing the nation.³¹

In light of storytelling by both perpetrators and those suffering, Archbishop Tutu echoes Justice Minister Omar's view of the Commission and emphasizes that the Commission's goal is reconciliation, not retribution. Telling stories is a beginning step toward forgiveness, and therefore, nation-building: "It's realpolitik, this forgiveness thing. It's not just something in the realm of religion or the spiritual. If [retributive] justice is your last word, you've had it. You've got to go beyond it."³² According to Tutu, retributive justice is "largely Western. . . . The justice we hope for is restorative of the

27. John Battersby, *South Africans Weigh Exposing Apartheid Crimes*, CHRISTIAN SCI. MONITOR, May 18, 1994, at 1.

28. *Id.*

29. Tina Rosenberg, *Recovering from Apartheid*, NEW YORKER, Nov. 18, 1996, at 87, 87.

30. *Id.*

31. Block, *supra* note 25; Gevisser, *supra* note 20.

32. Gevisser, *supra* note 20. For insightful discussions of legal narratives, their effects and limitations, see Charles R. Lawrence, III, *The Word and the River: Pedagogy As Scholarship As Struggle*, 65 S. CAL. L. REV. 2231 (1992); Toni M. Massaro, *Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099 (1989).

dignity of the people.”³³ This kind of restorative justice is reflective of the African notion of “ubuntu,” or interconnectedness. Ubuntu is the idea that no one can be healthy when the community is sick:³⁴ “Ubuntu says I am human only because you are human. If I undermine your humanity, I dehumanise myself.”³⁵ It characterizes justice as community restoration—the rebuilding of the community to include those harmed or formerly excluded.

Contrary to critics’ initial fears, the Commission’s work has not opened the floodgates to demands for revenge or exorbitant compensation.³⁶ Some participants appear satisfied in having their suffering acknowledged.³⁷ As discussed in the next section, however, others worry about “empty apologies”—that storytelling about personal trauma and words of apology alone are unlikely to be enough to engender meaningful reconciliation. Those who suffered need to perceive an apology as complete and sincere, with the former aggressors recognizing the historical roots of present hurts and accepting responsibility for the harm inflicted. For many, the acknowledgment and the apology must also be accompanied by meaningful social, structural and attitudinal changes. These dimensions of reconciliation are part of what I have elsewhere termed interracial justice.³⁸

33. Rosenberg, *supra* note 29, at 90.

34. *Id.*

35. Mark Gevisser, *South Africa Profile: Tutu’s Test of Faith*, MAIL & GUARDIAN, Apr. 12, 1996.

36. Dele Olojede, *Long Road to Reconciliation*, NEWSDAY, Apr. 16, 1996, at A16; *Victims Testify in Bid for Healing*, CALGARY HERALD, Apr. 16, 1996, at A6.

37. Katz, *supra* note 1, at 13A (quoting Archbishop Tutu about public storytelling: “[Y]ou can see some of the healing is happening”).

38. See Yamamoto, *supra* note 18; YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 19.

III. INTERRACIAL JUSTICE

The approach to interracial justice I am developing does not present a universal theory of justice so much as offer a way to inquire into, ruminate on and act upon real-life intergroup tensions marked both by conflict and underlying hostility and by a desire for peaceable and productive relations. My specific focus is on justice grievances among communities of color, although I believe the approach has broader implications. It reflects a praxis approach to intergroup conflict³⁹ where participants, at some deep level, desire to move toward the establishment of "right relationships" or the restoration of "broken relationships."⁴⁰

Interracial justice thus embraces anti-subordination principles⁴¹ and draws upon concepts of healing from several different disciplines, including law, theology, social psychology, political theory, and indigenous practices.⁴² In appropriate situations, interracial justice may assist groups seeking to rethink alliances by bridging the chasm between presently-felt racial wounds and the establishment or restoration of workable intergroup relations.⁴³ As a praxis approach, interracial justice suggests inquiry and action in four related areas—acknowledgment, affirmative efforts, material change and reframing.⁴⁴

Briefly stated, acknowledgment is comprised of three facets. First, it asks racial groups to recognize and, if needed, jointly reconstruct the historic

39. Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997) (describing a critical, pragmatic "praxis" approach to progressive race theory and political lawyering).

40. SALLY E. MERRY & NEAL MILNER, *THE POSSIBILITY OF POPULAR JUSTICE* 360 (1995) ("Right relationships are those that honor mutual human worth, that redress past wrongs so far as injuries are able to be redressed, and in which steps have been taken so that neither fear nor resentment play dominant roles.").

41. See Yamamoto, *supra* note 18, at 35 (describing antisubordination principles).

42. *Id.* at 63 (sketching healing concepts drawn from disciplines of law, theology, social psychology, political theory and indigenous practices).

43. *Id.* at 33. According to Chief Justice of the Ho-Chunk Supreme Court, Mary Jo Brooks Hunter, a common "cultural backdrop" may significantly enhance healing efforts by providing a baseline of cultural understandings and values. Mary Jo Brooks Hunter, *Making the Invisible Visible: Historical Perspective*, Commentary at *The Journal of Gender, Race & Justice Symposium* (Oct. 18, 1996), in 1 J. GENDER, RACE & JUST. 89, 93 (1997).

44. See YAMAMOTO, *INTERRACIAL JUSTICE*, *supra* note 19 (developing the acknowledgment, affirmative efforts, material change and reframing dimensions of interracial justice).

basis for current disabling racial constraints and resultant human suffering.⁴⁵ Second, it asks the groups to recognize their respective agency in and responsibility for the imposition of those constraints. Sometimes the line between perpetrators and victims is clearly marked, in which event, group responsibility for racial harms is easily attributable. At other times the line blurs according to changing circumstances—some groups simultaneously are oppressed in certain situations and oppressive in others—in which event, thoughtful critical socio-legal analysis of group agency and responsibility is in order.⁴⁶ Finally, acknowledgment asks both groups to accept responsibility for healing so that the groups can begin to address historical antipathies undermining contemporary relations. Acknowledgment is akin to the first step in healing a festering wound; the wound must be carefully and realistically assessed for the infection to be properly treated.⁴⁷

In some circumstances, acknowledgment of responsibility for a racial group's historical wounds may itself be enough to foster healing. In other instances, something more may be needed because "repentance without restitution is empty."⁴⁸ That something more is addressed by the second area of interracial justice inquiry: affirmative efforts. This area is performative. It entails cleansing the wound and treating the infection. It means acting upon acknowledgments about disabling group constraints and constrained, yet extant, group agency and responsibility. It means mutual performance, often in the form of an apology and reparations and corresponding forgiveness.⁴⁹ Affirmative efforts mean moving beyond acknowledgments and reaching out to heal the hurt with purposeful actions.

The third area of inquiry is material change in intergroup relations. It reflects the consequences of acknowledgments and affirmative efforts. It signals a change both in group attitudes and relational structure. Change occurs after, or sometimes during, the assessment of historical injuries and the

45. Yamamoto, *supra* note 18, at 35.

46. *Id.* at 48.

47. See generally HARLON DALTON, *RACIAL HEALING* (1995) (using healing metaphor in discussing racial reconciliation primarily between blacks and whites in the United States).

48. Betty Winston Baye, *Time To "Walk the Walk,"* *COURIER J.*, June 22, 1995, at A13.

49. I acknowledge here that different cultures will shape performative steps differently. See, e.g., Hiroshi Wagatsuma & Arthur Rosett, *The Implications of Apology: Law and Culture in Japan and the United States*, 20 L. & SOC'Y REV. 461 (1986) (describing Japanese and American cultural differences and the impact of those differences on approaches to dispute resolution).

undertaking of affirmative efforts, when groups begin to rearticulate identities and restructure intergroup interactions. Material change reflects, on one level, acceptance and forgiveness and, on another level, institutional restructuring and the redistribution of group power.

The fourth area of interracial justice inquiry is reframing. At this stage of healing, the groups together begin to weave a new narrative about their relationship. This new narrative speaks not only to a joint reconstruction of history. It also speaks to a transformation of the relationship in terms of both the ways the groups characterize one another and their mutual commitment to antisubordination in future interactions.

In the next section, I employ this broad interracial justice framework to assess, in preliminary fashion, both the overall work of the Truth Commission and the meaning and effect of the particular testimonies before the Commission.

IV. THE TRUTH COMMISSION AND RACE APOLOGIES

A. The Commission and Stories of Suffering

The Commission's stated purpose and overall structure appear salutary. The Commission's goal is to promote reconciliation through interracial healing; its structure is designed to facilitate intergroup healing by filling a psychological gap left by legal and political reforms formally abolishing apartheid. That gap, according to interracial justice, is characterized by a need for acknowledgment (survivor storytelling, perpetrator confessions of wrongful acts and acceptance of responsibility for resulting injuries) and for ameliorative acts by perpetrators (apologies and restitution). The Commission's three functions, in concept, address those needs.

In practice, the Commission embarked on its mission in 1995. The Commission's regional hearings provided victims of human rights abuses a public forum both for denouncing the specific atrocities of apartheid and for initiating healing processes. For instance, Nohle Mohapi testified about her husband, Mapetla, who apparently was tortured to death in prison in 1976. Mohapi refused to believe the official story that Mapetla hanged himself in his cell. Authorities later detained and tortured Mohapi as the widow of an accused terrorist. "I was full of hate when my husband died . . . I hated them for the oppression . . . Now I want to share the difficult times."⁵⁰ Most important for

50. *Victims Testify in Bid for Healing*, *supra* note 36.

Mohapi, "I want the people to hear today what happened, and my children, I want them to know that their father did not kill himself." Hearing the truth enables people to move forward; "life must continue."⁵¹ Mzukisi Mdidimba expressed similar sentiments in different words: "When I have told stories of my life before, afterward I am crying, crying, crying, and felt it was not finished. This time, I know what they've done to me will be among these people and all over the country. I still have some sort of crying, but also joy inside."⁵²

Others testifying sought healing through symbolic reparations. Mothers wanted tombstones for dead children; spouses wanted loved ones' remains for proper burial.⁵³ Ncediwe Mfeti's husband Phindile, a student at the University of Natal, disappeared in 1987. She told the Commission about the last time she heard his voice; he called to tell her about some new jeans. Since that day she tried desperately to solve the mystery of his disappearance. She requested only that the Commission locate his body: "Even if he was burned, if only I could get a little bone or ashes that were his."⁵⁴

While recognizing the therapeutic effect of such testimony, Mandela cautioned that survivor storytelling is only the beginning of the healing process. For expressions of pain to move the country toward reconciliation, white and black South Africans need to acknowledge appropriate responsibility for those hurts, both as individuals and as group agents. As the interracial justice approach suggests, genuine reconciliation is possible only with full participation of perpetrators, collaborators and those harmed.

In 1996, the Commission thus asked perpetrators of human rights abuses to confess in the interest of healing—the payoff for which may be indemnity from prosecution and civil liability. As discussed in the next section, these hearings and the testimonies of the 2500 amnesty applicants produced wildly varying results. The Commission's work is ongoing and, based on confessional testimony to date, its prognosis in terms of interracial healing appears to be split between instances of extraordinary success and marked failure. Whether the Commission's work will ultimately generate a collective

51. Olojede, *supra* note 36.

52. Rosenberg, *supra* note 29, at 92.

53. Rex Merrifield, *South African Truth Probe Still Viewed with Skepticism*, REUTERS, LIMITED, May 12, 1996.

54. Robert Block, *When the Truth Is Too Hard To Bear*, INDEPENDENT (London), Apr. 17, 1996, at 10.

sense of “justice done” and foster genuine interracial healing is a question open to wide speculation. Confessional testimony before the Commission, assessed within a framework of interracial justice, reveals why.⁵⁵

B. F.W. de Klerk, Ex-president of the Former Ruling National Party

On August 22, 1996, F.W. de Klerk, former President of South Africa’s National Party, appeared before the Commission. Several years earlier de Klerk presided over the formal dismantling of apartheid. He is credited for his cooperative workings with Mandela, and both received the Nobel Peace Prize in 1993. In his testimony, de Klerk apologized for apartheid and for human rights abuses. His thirty-page summary of government policies and practices, including the apology, however, omitted most specifics, and his outright denial of any knowledge of who carried out human rights abuses was booed from the floor. De Klerk diminished the National Party’s responsibility for apartheid by describing the Party’s actions as “unconventional,”⁵⁶ by denying personal knowledge of gross human rights violations and by pointing the finger of guilt not only at the African National Congress but also at white racist policies and practices worldwide. As a counterpoint to his apology, de Klerk stated that blacks “benefited enormously” from South Africa’s white supremacist policies, citing better schools, housing, hospitals and jobs.⁵⁷ The tenor of de Klerk’s apology and grudging acknowledgment of the National Party’s role in apartheid abuses enabled observers easily to characterize his testimony as “disingenuous”⁵⁸ and “def[y]ing] belief,”⁵⁹ “an insult to any audience’s intelligence,” “terse”⁶⁰ and “grudging”⁶¹ and “another chorus of that

55. The comments in this essay are based primarily on secondary reports of testimony. Only snippets of transcribed testimony have been obtained to date. For an example of reported accounts I have used, see Rosenberg, *supra* note 29, at 86.

56. *Time Present, Time Past*, GUARDIAN (London), Aug. 23, 1996, at 012.

57. Bob Drogin, *Apartheid Abuses: De Klerk Pleads Ignorance*, L.A. TIMES, Aug. 22, 1996, at A4.

58. *Time Present, Time Past*, *supra* note 56.

59. *Id.*

60. Bob Drogin, *ANC Admits Rights Abuses, Voices Regret*, L.A. TIMES, Aug. 23, 1996, at A16.

61. *Id.*

universal song, 'I'm sorry, but it wasn't my fault, and everybody else was doing it, and we weren't the only bad guys, and they were worse.'"⁶²

De Klerk's apology followed the testimony of hundreds of survivors of apartheid. Their horrific stories of murder, torture, rape and other human rights abuses contrasted starkly with de Klerk's characterization of former National Party leaders as men of honor who were simply "mistaken" in their apartheid policies: "I retain my deep respect for our former leaders. Within the context of their time, circumstances and convictions they were good and honourable men, though history has shown that, as far as the policy of apartheid was concerned, they were deeply mistaken."⁶³

De Klerk's terse apology on behalf of the National Party falls far short on all three facets of the acknowledgment dimension of interracial justice. While acknowledging the "deeply mistaken" governmental "policy of apartheid," the apology failed to fully and accurately acknowledge the regime's human rights violations, the National Party leaders' agency and responsibility concerning those violations, or the resulting suffering of individuals and the long-term disabling institutional constraints imposed upon black self-definition and self-development. By many accounts the apology was empty—a minimalist, insincere effort to satisfy the Commission's call.⁶⁴ Without the threat of rigorous Commission cross-examination, de Klerk appeared to accede to the requirements of form (apology) without conceding anything meaningful in substance (acknowledgment). From the standpoint of interracial justice, despite the Commission's aims and efforts, de Klerk's apology combined with

62. Linda Goyette, *Leadership Is Knowing When To Say You're Wrong*, MONTREAL GAZETTE, Aug. 23, 1996, at B5.

63. Roger Matthews, *De Klerk Apologizes for South Africa's Past*, FIN. TIMES, Aug. 22, 1996, at 6. De Klerk has also taken this approach in other situations. He reportedly criticized the criminal prosecution of former National Party Defense Minister Malan as "politically motivated" while pointing out that much of the apartheid violence was "black on black." Katz, *supra* note 1, at 13A.

64. See *supra* notes 56-63.

former President Botha's later refusal to testify⁶⁵ offered little if any basis for intergroup healing—for establishing right relationships, for reconciliation.

Indeed, some South Africans wondered how society can "grant forgiveness to monsters who simply list their atrocities and expect amnesty without contrition?"⁶⁶

"I lost my entire family after our home was bombed," said a black woman whose husband and four children were burned beyond recognition by a government hit squad attack. "To me, knowing who did it or who gave the orders will not change a thing, especially the fact that those who destroyed my life will not face the wrath of the law."⁶⁷

"There is no feeling for forgiveness in my heart. There is no constitutional duty placed in me to forgive," said Marius Schoon, a white anti-apartheid activist whose wife and daughter were killed by a letter bomb meant for him. The former police officer who admitted to sending the bomb planned to confess formally before the Commission in return for amnesty.⁶⁸

"Only if [those guilty of torture and murder atone for their crimes] can there be true national reconciliation," said Rajee Gopal Vandeyar, a "colored" anti-apartheid activist severely beaten and tortured by police.⁶⁹ "To forgive these people is asking a lot."⁷⁰ The widow of Steve Biko, who died in prison of police-inflicted injuries, summarized her feelings about the Commission thusly: "Peace would be brought by having my husband next to me right

65. Former South African President Pieter Wilem Botha announced to the Commission in late November 1996 that he would not participate in its proceedings, apologize for anything or apply for amnesty. Botha, who disagreed with the creation of the Commission, indicated that he was not guilty of anything, particularly "blatant murder" and expressed that the Commission's proceedings would develop into a "persecution of Afrikaners." Botha reportedly cast Afrikaners as victims both of earlier British imperialism and current selective punishment. As de Klerk did, Botha observed that Afrikaners did not invent or import racism to South Africa and suggested probing human rights violations by the African National Congress. *South Africa's Ex-President Botha Will Not Apply for Amnesty*, DEUTSCHE-PRESSE AGENTUR, Nov. 21, 1996.

66. Gevisser, *supra* note 35.

67. Gumisai Mutume, *South Africa-Politics: Truth Will Out, Next Year*, INTER PRESS SERVICE, Nov. 30, 1995, available in 1995 WL 10136045.

68. Olojede, *supra* note 36.

69. *Anti-Apartheid Activists Tell of Beatings and Torture*, AGENCE FRENCH-PRESSE, July 24, 1996, available in 1996 WL 3893694.

70. *Id.*

now.”⁷¹ For Biko’s family and others, the Commission’s plan to exchange amnesty for full disclosure of apartheid crimes is so deeply flawed that they filed a lawsuit to stop the Commission’s work. The lawsuit, which the courts ultimately rejected, claimed that the Commission’s grant of amnesty to perpetrators violated victims’ and their families’ constitutional right to seek justice in court.⁷²

The bitterness of these survivors illustrates, as the interracial justice approach suggests, that while acknowledgment of survivor stories is essential to reconciliation, other forms of acknowledgment are also needed. Repairing the damaged relationship between the racial groups “requires that the victimizers accept responsibility for their acts or those of their predecessor governments and people, recognize the injustice done . . . , in some way ask forgiveness of the victims” and offer a course of ameliorative action.⁷³ De Klerk’s confession failed to do this in meaningful fashion.

This preliminary assessment of de Klerk’s apology, within the context of the new government’s reconciliation efforts, reflects the sentiment of an undetermined percentage of black South Africans that white South Africans have *tolerated* major political changes only because they have not been forced to give up their privileges or to account for their past behavior. Winnie Mandela articulated that frustration in a eulogy that contributed to her removal from the new government’s cabinet. Many blacks, she said at a constable’s funeral, were upset with the slowness of the transition and believed the new government was more interested in appeasing whites in the interest of hollow reconciliation than in addressing the realities of continuing discrimination and racism against blacks.⁷⁴ Even Archbishop Tutu appeared partially to concede this point as a matter of survival politics: “The perpetrators ‘are still in the

71. *Widow Visits Prison Where South Africa Activist Died in 1977*, DALLAS MORNING NEWS, Sept. 11, 1995, at 4A.

72. Robert Block, *Justice Before Forgiveness, Say Families of Apartheid Victims*, INDEPENDENT (London), Mar. 31, 1996, at 11. In July 1996, the Constitutional Court rejected the argument that the Commission’s work is unconstitutional, ruling that the principle of amnesty for both whites and blacks is a fundamental part of the new South African constitution. Mary Braid, *South Africa Plays Truth or Dare*, INDEPENDENT (London), July 25, 1996, at 2-3. The parties are undecided whether to pursue the matter in international courts as a crime against humanity. Tony Freemantle, *Crying for Justice*, HOUS. CHRON., Nov. 18, 1996, at 13.

73. CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES 538 (Joseph V. Montville ed., 1990).

74. Gevisser, *supra* note 20.

security forces and part of the civil service' Those people have the capacity of destroying this land. . . . If there were not the possibility of amnesty, then the option of a military upheaval is a very real one."⁷⁵

Indeed, white South African resentment toward the apology-reparations process surfaced when the president of Mozambique addressed the South African Parliament. When the Speaker of the Parliament apologized on behalf of all South Africa for the suffering apartheid inflicted on its neighbor country, white members of de Klerk's party shouted and jeered. Their spokesperson complained, "When are we going to be done with all this recrimination? For how long are we going to hear that we did this, that, and the other? I was not the architect of apartheid. I got it. Basically, we are the ones who dismantled it, who moved away from it."⁷⁶ This person's statement reveals the sentiments of some and perhaps many white South Africans who did not actively support apartheid. Because they feel no guilt for causing direct harm and overlook the racial benefits enjoyed during apartheid, they feel no responsibility to further redress the suffering of the others.

C. Thabo Mbeki, Deputy President of the ANC and Current Government

Thabo Mbeki's apology presented a stark contrast. He apologized on behalf of the African National Congress⁷⁷ for human rights violations committed by ANC members primarily against black South Africans during the ANC's liberation fight. Mbeki was the first person testifying to extend a direct apology to survivors and families of victims.⁷⁸ In an extensive 420-page self-study, detailing the many injuries inflicted by the ANC, Mbeki admitted to "grisly human rights violations" and apologized for the ANC's actions. He indicated that the ANC and its leaders, now in power in the new South African

75. Rosenberg, *supra* note 29, at 89-90.

76. *Id.*

77. See Wing, *supra* note 20, at 706-08 (describing South African political organizations and their participation in post-apartheid reconstruction). See also Nicholas Haysom, *Democracy, Constitutionalism, and the ANC'S Bill of Rights for a New South Africa*, 18 SOC. JUST. 40 (1991) (commenting on the ANC's Bill of Rights).

78. Mary Braid, *ANC 'Sorry' for Human Rights Abuses in South Africa: Confession Contrasts with Past President's Qualified Apology*, OTTAWA CITIZEN, Aug. 23, 1996, at A13.

government, accepted “collective responsibility” for those actions.⁷⁹ In making those acknowledgments and the apology, Mbeki carefully framed their context, distinguishing abuses by freedom fighters from those of defenders of apartheid and noting that ANC abuses occurred in an otherwise “just war”—“[i]t would be morally wrong and legally incorrect to equate apartheid with the resistance against it.”⁸⁰

From a political perspective, Mbeki’s apology reflected ANC’s quest for governmental stability. From the perspective of interracial justice, the apology exhibited an ANC commitment to reconciliation—to rebuild relations not only between whites and blacks but also among blacks. It did so by acknowledging the ANC’s wrongful actions during its liberation struggles and the resulting human suffering (recognizing that a group can be simultaneously oppressed and oppressive depending on the context), by accepting responsibility for those actions, and by reaching out to heal the hurts. Mbeki’s apology reached out by undertaking affirmative steps toward intra-racial group healing. The apology document answered many questions asked by South Africans wondering about missing loved ones. The documents described the identities of hundreds killed or missing and detailed bombings and attacks in which civilians were inadvertently killed. The document also included previously concealed internal reports describing the “horrific living conditions and mistreatment at former ANC military camps.” The significance of Mbeki’s affirmative effort toward intragroup healing is highlighted by a reporter who observed the testimony of 140 witnesses: “The depths of pain and anger are still there, some for over 30 years ‘[But m]ost of them have said effectively, ‘we need to know what’s happened, who was involved and then we’re prepared to forgive.’”⁸¹ By making the effort to let people know what happened to whom, the ANC advanced the process of healing.

The juxtaposition of de Klerk’s minimalist apology and Mbeki’s apology is jarring. Mandela anticipated their starkly contrasting approach to the acknowledgment dimension of interracial justice two years earlier when he cautioned: “[T]he freedom fighters were asked to disclose what offenses they

79. *Id.* at A16.

80. Drogin, *supra* note 57, at A16. Archbishop Tutu repeatedly clashed openly with those ANC officials “who don’t think that their members need to seek amnesty since whatever they did under apartheid was justified as part of the struggle for freedom.” Rosenberg, *supra* note 29, at 92. Tutu even threatened to resign from the Commission if the ANC refused to acknowledge its part in human rights abuses. *Id.*

81. Merrifield, *supra* note 53.

have committed; we would like also the defenders of apartheid to disclose what offenses they have committed.”⁸²

*D. Mangosuthu Buthelezi, Head of the Zulu-Based Inkatha Freedom Party
and Home Affairs Minister*

Zulu nationalist leader Mangosuthu Buthelezi, a descendant of the nineteenth-century Zulu King Shaka, uncle to the current Zulu King, and prime minister of the newly created Bantustan of KwaZulu, apologized to the ANC on behalf of the Zulu-based Inkatha Freedom Party. In a 769-page apology document, Buthelezi expressed abhorrence for bloodshed and, reiterating his 1991 apology, acknowledged “that Inkatha Freedom Party members and supporters have been drawn into violence.”⁸³ Although denying any personal role in apartheid violence,⁸⁴ Buthelezi apologized on behalf of the Inkatha Party, saying he was “sorry for any hurt [he] caused the ANC leadership” in supporting the apartheid regime.⁸⁵ Buthelezi’s apology revealed an acknowledgment of some degree of responsibility for those hurts while recognizing the difficulty preventing future conflicts: “I know that because we are human beings and therefore sinners, that we shall hurt each other even tomorrow. I nevertheless apologize for the past hurts.”⁸⁶ In addition to the apology, Buthelezi listed 422 Inkatha Party leaders killed since 1985 and demanded that the Commission investigate and explain these killings: “Nowhere else in the world could killing on such a grand scale go unchallenged and unexplained.”⁸⁷

82. British Broadcasting Corporation, April 30, 1994.

83. Michael Hamlyn, *Zulu Nationalist Leader Chief Mangosuthu Buthelezi Demanded Thursday That South Africa’s Truth and Reconciliation Commission Investigate the Killings of 422 Leaders of His Inkatha Freedom Party (IFP)*, AGENCE FR.-PRESSE, Sept. 5, 1996, available in 1996 WL 12131366.

84. Inigo Gilmore, *Buthelezi Says Sorry to ANC for Years of Inkatha Violence*, TIMES (London), Sept. 6, 1996, available in 1996 WL 6517557 (“I have not orchestrated one single act of violence against one single victim.”).

85. *Id.*

86. *Id.*

87. *Truth Commission Vows To Protect Apartheid Era Abusers*, AFR. NEWS SERVICE, Sept. 16, 1996, available in 1996 WL 13171685.

Although some observers perceived the words of his apology to be superficial at best, from the vantage point of interracial justice, Buthelezi's apology to the ANC was significant. It was significant not so much for the specific words of apology, but for the historical importance of the act of acknowledgment itself. Over the last decade, the fierce rivalry between the ANC and the Inkatha Party resulted in 20,000 deaths. The violence only subsided in May of 1996 with the signing of a peace pact. Moreover, the Inkatha stridently opposed the formation of the Commission and initially refused to participate in its proceedings, citing the Commission's bias favoring the ANC. Indeed, in his testimony, Buthelezi voiced continued misgivings about the Commission's work: "We believed and we continue to believe that the commission as currently composed . . . will neither reveal the truth nor bring about the reconciliation we so desperately need in this land."⁸⁸ Buthelezi nevertheless appeared before the Commission, acknowledged the Inkatha Party's partial responsibility for apartheid violence and apologized to the ANC. Under these circumstances, Buthelezi's appearance itself supported by his words, reflected a desire to begin a process of reconciliation and a willingness to accept some responsibility for healing.

V. CONCLUSION

The Commission's work and the de Klerk, Mbeki and Buthelezi apologies, examined in the light of the interracial justice approach described briefly in Section III, reveal some of the possibilities and problems of interracial healing. Most evident, the interracial justice approach reveals that while an apology is seemingly a necessary step toward reconciliation, it is only one step in an inexact, difficult process. If those with power intend to retain power over the "other" and exercise attendant privileges, then no apology will lead to reconciliation. Repairing the damaged relationship between the racial groups "requires that the victimizers accept responsibility for their acts or those of their predecessor governments and people, recognize [and act upon] the injustice done, and in some way ask forgiveness of the victims."⁸⁹

Interracial reconciliation is a messy, complex process. The interracial justice areas of inquiry—acknowledgment, affirmative efforts, material change

88. Hamlyn, *supra* note 83.

89. CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES, *supra* note 73, at 538; DALTON, *supra* note 47 (describing ways in which whites and blacks need to accept responsibility for healing racial wounds).

and reframing—are rarely ascertainable in an orderly or predictable way. What is clear, however, is that all four dimensions of interracial justice are significant to the process of interracial reconciliation. Without careful attention to each dimension, even where all groups share the same ultimate goal of interracial healing, old enmities will continue to smolder until some external force causes them to re-ignite.

Theologian Donald Shriver notes the “pertinence of all sides of a forgiving-forgiven transaction in present and future South African politics.”⁹⁰ South Africans, he says, believe:

the white government and the white citizens of their country ... must make public apology for the sins of racism; there must soon be some tangible restitution for its deep damage to millions of human lives; the country must begin to fashion for itself a pluralistic political culture that sustains both difference and connection between diverse groups of its population; and it must do so with due haste—it does not have forever to recover from its collective misdeeds if it is to save its collective humanity.⁹¹

How will the Commission’s work play out over time? What will be the long-term effect of the apologies elicited by the Commission? What lessons lie for contemplated race apology strategies in the United States? How can we assess and evaluate? As mentioned, the answers to these questions are wide open. Despite the Commission’s success in fostering public acknowledgment of survivor suffering, and perhaps in light of its difficulty in procuring consistently meaningful confessions, the Commission’s work still meets with strong criticism from both ends of the philosophical spectrum.

Some argue that the public airing of old hurts serves only to stir resentment and impede reconciliation. David Walsh, professor of political studies at the University of Cape Town, shares this view: “If anything, it’s had the reverse effect. I see no signs of the truth, followed by catharsis, followed by healing. I think that is the sheerest mythology.”⁹² Instead, he and others believe that the storytelling forces open old wounds and interrupts their

90. DONALD W. SHRIVER, JR., *AN ETHIC FOR ENEMIES: FORGIVENESS IN POLITICS* 219 (1995).

91. *Id.*

92. Merrifield, *supra* note 44.

healing. Apartheid hurt South Africans of all colors, they argue. In the interest of peace, all citizens of the new society should simply forget the past and focus on immediate, concrete concerns about employment, education, and the like.⁹³ Some take the “forget and forgive” argument a step further. They assert that every white South African who benefitted from white privilege under apartheid shares some responsibility for the suffering it caused. Given such universal white culpability, it is practically impossible to bring every individual “responsible” for apartheid to justice. And since justice is an impossibility, they argue, the goal should simply be peace.⁹⁴ At the other end of the spectrum, some argue that peace is impossible without justice, and justice is impossible without reparations and a change in attitude and behavior on the part of former oppressors. Churchill Mxenge, the brother of Griffith Mxenge, a prominent ANC lawyer who was murdered during the apartheid era, argues that “people who are hurt and bleeding [cannot] simply . . . forget about their wounds and forget about justice. . . . [T]hat is not normal. That doesn’t happen. Unless justice [in the courts] is done it’s difficult for any person to think of forgiving.”⁹⁵ A South African reporter similarly observed, “precisely because reconciliation has not been earned, it functions as nothing more than a bandage that splits as soon as there is any pressure applied to it.”⁹⁶

Meager white involvement in the Commission’s work has heightened this “split bandage” view. While black spectators pack each hearing, white attendance reportedly is sparse. Many whites apparently perceive the Commission and its work as a “black thing” that does not affect them.⁹⁷ Alex Boraine, Deputy Chairman of the Commission, warned that white South Africans’ “disappointingly poor” participation could impede national healing.⁹⁸

93. From this perspective, “forgive and forget” is the only route to peace in South Africa, since many of those who ordered or carried out apartheid-era abuses, or who tacitly approved them by looking the other way, are still entrenched in positions of power in the new government. *Id.*

94. Rosenberg, *supra* note 29, at 92.

95. *Id.* at 88.

96. Gevisser, *supra* note 35.

97. Braid, *supra* note 72.

98. *Officials Slam Whites for Not Attending Apartheid-era Probe*, AGENCE FR.-PRESSE, July 2, 1996, available in 1996 WL 3881035 (“While I understand that the majority of victims are blacks, this does not affect just one section of the population . . . It has to do with the nation, reconciliation, and forgiveness.”).

What is evident at this stage of the Commission's work is that no collective reframing of "what happened," "who is responsible," and "how we are to get on with a new South Africa" has emerged.⁹⁹ No new societal narrative has been fashioned yet acknowledging the past and transforming it into a foundation for the future. As Donald Shriver observes about the Commission's work, and as the interracial justice approach offered here suggests, reconciliation through framing of a new societal narrative requires more than survivor storytelling and incomplete apologies.¹⁰⁰ When those suffering see material change in societal attitudes and institutional structure, when some form of meaningful reparations is forthcoming,¹⁰¹ then in new South Africa those long disenfranchised may sense a kind of justice that contributes to intergroup healing, to restoring the community—ubuntu.

99. SHRIVER, JR., *supra* note 90.

100. *Id.*

101. See Yamamoto, *supra* note 3, at 229 (stating that reparations are socially meaningful only if accompanied by changes in societal attitudes and institutional restructuring).

APPENDIX: APOLOGY CATALOG

I. INTRODUCTION

This catalog presents just a glimpse of the national and international proliferation of race apologies. Each apology is catalogued according to its issuing entity: government, group, business, individual, and each is a compiled and condensed version of one or more articles appearing in various national and international newspapers and news services.

II. GOVERNMENT

United States Apology for Participation in the Overthrow of Hawaiian Nation: Expressing "deep regrets" for the "illegal overthrow" of the sovereign Kingdom of Hawaii in 1893, Congress recognized the centrality of the United States and its military forces in the overthrow of the Kingdom of Hawaii. The Apology Bill, passed by Congress and signed by President Clinton on November 23, 1993, states a commitment to acknowledging the ramifications of the overthrow and to finding a foundation for reconciliation between the U.S. and native Hawaiians. Included in the bill is a disclaimer stating that the resolution is not intended to serve as a settlement of any claims against the United States.¹⁰²

Florida's Apology and Reparations for Rosewood Mayhem: Mass rioting, resulting in the nearly complete destruction of a prosperous black community and the death of at least eight people, broke out after whites failed to find a black man accused of assaulting a white woman on New Year's Day, 1923. Nearly seventy years later, the Florida state legislature voted for \$2 million in compensations for survivors and family members of the destroyed community. Reparations to Rosewood family descendants and other minorities include up to \$150,000 for every survivor, a \$500,000 reimbursement fund for lost property, and a \$100,000 a year college scholarship fund.¹⁰³ Anette Shakir, daughter of a survivor was tight-lipped about their plans: "They [the survivors]

102. S.J. Res. 19, 103d Cong., 107 Stat. 1510 (1993); Jim Specht, *Clinton Signs Apology for Hawaii Overthrow*, GANNET NEWS SERVICE, Nov. 23, 1993, available in 1993 WL 7328110.

103. *Rosewood Survivors Finally Get Apology, Florida To Pay Rampage Victims*, NEWS & OBSERVER, Apr. 9, 1994, at A5; MICHAEL D'ORSO, LIKE JUDGMENT DAY (1996) (describing Rosewood Massacre and reparation efforts).

are emotionally exhausted. You have to remember that it's something that they did not speak about for 70 years. And they're going through the healing process. The healing process is not over. It's just beginning."¹⁰⁴

Oklahoma and Tulsa Apology for 1921 "Black Wall Street of America" Riot: "I ask you for your prayers and forgiveness," said State Representative Don Ross dedicating a monument to the victims of the race riot dubbed the "Black Wall Street of America." Ross issued the apology "on behalf of the state of Oklahoma and city of Tulsa." Tulsa had tried to erase all memory of the riot, and all mention of the riot had been clipped from city libraries. The rioting, claiming hundreds of homes, businesses, and approximately 250 lives, broke out after white mobs demanded the lynching of a black man accused of assaulting a white woman (who later refused to bring charges). This ceremony, attended by the few black survivors of the riot, is the first acknowledgment of the rioting in the seventy-five years since it occurred. LaVerne Davis, now ninety-two years old, recalls the riot as the worst thing that ever happened in her life: "If I were to hear an apology for the acts of June 1, 1921, I would feel very relieved that surely minds have changed. And we should thank our Lord and Savior that we're here to see it for ourselves."¹⁰⁵ Voicing his appreciation for the apology, Robert Fairchild, who was 17 at the time of the riot, says, "I feel wonderful, rejuvenated."¹⁰⁶

Queen Elizabeth's Apology To Maoris for New Zealand's Bloody Race Wars: Queen Elizabeth II signed an unprecedented document expressing "profound regret" and "apologiz[ing] unreservedly" for the seizing of Maori lands by British colonizers. The simple ceremony, attended by Maori Queen Dame Te Atairangikauahu, is a significant step in New Zealand's apology to the Maoris for the bloody race wars of 1863. The document returns to the Maoris 39,000 of the 1.25 million acres of land the British confiscated in the Waikato region and places \$42 million in a fund for Maoris to buy back privately owned land that was once theirs. "The signing is the end of an old era

104. Nancy Feigenbaum, *Willie Evans and Other Survivors of the Rosewood Massacre*, ORLANDO SENTINEL, Apr. 2, 1995, at 4.

105. Kelly Kurt, *Tulsa Finally Remembers Riotous Night That Rocked the City 75 Years Ago*, CHI. TRIB., May 31, 1996, at 2.

106. Kelly Kurt, *Race Riot Remembered*, SUNDAY OKLAHOMAN, June 2, 1996, at 12.

and the beginning of a new one," said Maori elder Waea Mauriohoo. ¹⁰⁷ Waea Murray, another Maori elder, agreed: "We can't look backwards. We need to look forwards and with the knitting of both pakeha (white people) and our people this is the beginning of our races merging as one." ¹⁰⁸

Not everyone was satisfied. Farmers living in the tribal area expressed outrage at legislation overruling the buyback option of lands they had sold to the government for public works. ¹⁰⁹ Maori activists staged small anti-royal demonstrations during the Queen's visit, yelling "go home." "It's too little and too late," said Mike Smith, a Maori activist. ¹¹⁰

New Zealand's Apology to and Land Settlement with Maori Tribe: 152 years after colonization and after five years of negotiation, the government of New Zealand has agreed to settle the Ngai Tahu tribe's claim to large tracts of land. The Ngai Tahu will receive a \$117 million land and cash package. The government also agreed to issue a formal apology. ¹¹¹

Yeltsin's Request for Forgiveness for the Soviet Murder of 15,000 Polish Officers: Russian President Boris Yeltsin paid homage to 15,000 Polish officers murdered by Soviet secret police during WWII. Yeltsin asked the victims' relatives to "please forgive." Polish Foreign Minister Janusz Onyszkiewicz called Yeltsin's comments "quite important." ¹¹²

Canadian Government Denial of Discrimination Claims by Minorities: The Canadian government denied claims by six ethnic groups who were discriminated against in the past. Chinese, German, Italian, Jewish, Ukrainian and Indo-Canadian communities sought compensation for past practices ranging from internment during World War II to discriminatory immigration practices, including the Chinese head tax. "The issue is whether to attempt to

107. *Queen Gives Land Back to Maoris*, ATLANTA J., Nov. 3, 1995, at A20.

108. *New Zealand-Indigenous: Queen's Royal Assent Returns Maori Land*, INTER PRESS SERVICE, Nov. 3, 1995, available in 1995 WL 10135458.

109. *Id.*

110. *Queen Gives Land Back to Maoris*, *supra* note 107.

111. *New Zealand Settles Claim by Maori Tribe*, HONOLULU ADVERTISER, Oct. 6, 1996, at A18.

112. *Poles Hear Yeltsin's Apology: The Russian President Was Apologizing for the Massacre of 15,000 Polish Officers in World War II*, ORLANDO SENTINEL, Aug. 26, 1993, at A13.

address the past or to invest in the future,” said Sheila Finestone, secretary of state for multiculturalism. Finestone went on to say, “We believe the best approach is to use limited government resources to create a more equitable society today and a better future for generations to come.” Alan Li, of the Chinese Canadian National Council, expressed his outrage: “The government is using anti-immigrant feelings and fiscal hardship as a way not to take any responsibility on the issues. . . . There’s not a single word of apology in the letter, there’s no concrete policy or action.”¹¹³

French Acknowledgment of Complicity in Deportation of 76,000 Jews to Nazi Death Camps: French President Jacques Chirac recognized for the first time French complicity in deporting 76,000 Jews to the Nazi camps by the collaborationist Vichy regime. “These dark hours tarnish forever our history and are an insult to our past and our traditions,” said Chirac. Serge Klarsfeld, longstanding leader of the Association of Children of Deported French Jews, described the statement as a courageous step: “This speech contained everything we hoped to hear one day.”¹¹⁴

F.W. de Klerk’s Apology for South African Human Rights Abuses: Former South African President F.W. de Klerk formally apologized to Archbishop Desmond Tutu’s commission investigating human rights abuses under previous white governments. De Klerk stated, “I have already publicly apologized for the pain and suffering caused by former policies of the National Party. I reiterate these apologies today.” About 400 ANC supporters jeered de Klerk’s denial of knowledge about a notorious hit-squad killing. But Tutu told them to keep quiet: “I know how difficult it is to say ‘I’m sorry’ in public. We are sure it will have a significant impact.”¹¹⁵

Pentagon’s Apology for Racial Discrimination: Bruce Yamashita charged the Marines with racial discrimination in Officer Candidate School. In December 1993, Assistant Secretary of the Navy Frederick Pang agreed with Yamashita: “I have determined that the racially insensitive treatment to which

113. Dianne Rinehart, *Ethnic Groups Denied Compensation*, MONTREAL GAZETTE, Dec. 15, 1994, at A1.

114. Paul Taylor, *France Finally Admits Role Aiding Nazi Death Machine*, CHI. SUN-TIMES, July 17, 1995, at 20.

115. *South Africa’s de Klerk Apologizes for Apartheid*, USA TODAY, Aug. 22, 1996, at 6A.

you were subjected by individuals at OCS contributed to an environment which may have compromised your ability to succeed.”¹¹⁶ In a related matter, Marine Corps General Carl Mundy apologized for “any offense that may have been taken” from his remarks made on “60 Minutes” that minority Marine officers do not shoot, swim or use compasses as well as white Marines.

III. GROUP (SEPARATED BY APOLOGIZING ENTITY)

A. Religious Organizations

Missionaries’ Descendants Apology for Missionary Abuses: Characterizing the 1893 overthrow of the Hawaiian Monarchy as “embarrassing and an abuse of mission efforts,” a nonprofit organization for the children of missionaries apologized before a crowd of thousands at Aloha Stadium. State Representative Quentin Kawananakoa (descendant of King Kalakaua) said, “An apology is very appropriate and a necessary first step in making things right.” On the other hand, Haunani Kay Trask of pro-sovereignty group Ka Lahui Hawaii said, “Apologies from missionaries or their children do not repair the damage that missionaries have done to native people.”¹¹⁷

Australian Catholic Church’s Apology for 100 Years of Cultural Oppression of Aborigines: The Catholic Church in Australia apologized for its part in an assimilation policy from the mid 1800s until the mid 1960s aimed at breaking the spiritual and cultural identities of the Aborigines, by removing tens of thousands of black children from their parents: “We sincerely regret that some of the church’s child welfare services . . . assisted governments implement [sic] assimilationist policies and practices . . . [It] will remain forever a blight on our nation,” the Catholic bishops said in the released statement.¹¹⁸

United Methodists’ Apology for 1864 Massacre of Native Americans: The general conference of the United Methodist Church overwhelmingly

116. *After Racial Discrimination, Marine Finally Gets Chance*, STAR-TRIB., Mar. 19, 1994, at 7A.

117. Jennifer Hong, *Hawaiians To Hear Apology*, HONOLULU ADVERTISER, July 26, 1996, at A3.

118. Michael Perry, *Catholic Church Apologizes for Aborigines’ ‘Stolen Generation,’* IRISH TIMES, July 20, 1996, at 10.

approved the petition by Rev. Alvin Deer, Oklahoma Indian Missionary Conference delegate, calling for an apology for an 1864 massacre of Cheyenne and Arapaho in Colorado that was led by a Methodist lay preacher John Chivington. The attack, known now as "The Sand Creek Massacre," came in a pre-dawn raid, although the Indians were flying the American flag for protection, a flag that had been presented to the Indians at a peace treaty signing. "The United Methodist Church delegation has recognized this was a tragedy in U.S. history that needed to be addressed," said Deer.¹¹⁹

Southern Baptists' Apology for Racism: In a nearly unanimous vote, 20,000 delegates to the Southern Baptist Convention (SBC) passed a resolution apologizing for past racism. The resolution stated, "We apologize to all African-Americans for condoning and/or perpetuating individual and systemic racism in our lifetime, and we genuinely repent of racism of which we have been guilty, whether consciously or unconsciously."¹²⁰ "We lament and repudiate historic acts of evil such as slavery from which we continue to reap a bitter harvest," the resolution continues, "and we recognize that the racism which yet plagues our culture today is inextricably tied to the past."¹²¹ Rev. Gary Frost, the denomination's second vice president and an African American responded to the statement he helped draft: "We pray that the genuineness of your repentance will be reflected in your attitude and your actions."¹²²

Several delegates complained that the resolution does not recognize discrimination against other minorities. Further, it discredits all of the denomination's founders even though some may not have espoused slavery, and casts a shadow on fair-minded members. Charles Carter, chairman of the convention's resolution committee, said the resolution did not ask "anyone to join in confessing wrong of which you are not guilty."¹²³ Rev. Clifford Jones, president of the predominantly black General Baptist Convention in North Carolina, "called the resolution admirable but said more is needed. 'To merely

119. Mark Pinsky, *Methodists Apologize for 1864 Massacre*, ORLANDO SENTINEL, Apr. 24, 1996, at A6.

120. Vincent F.A. Golphin, *Southern Baptists Apologize for Past Racism*, SYRACUSE HERALD-J., July 1, 1995, at A10.

121. Gary L. Carter, *Southern Baptist Convention Apologizes for Racism*, ASSOCIATED PRESS POL. SERVICE, June 21, 1995, available in 1995 WL 6732509.

122. Golphin, *supra* note 120, at A10.

123. *Id.*

denounce historical racism and or slavery and yet not actively seeking to promote parity, justice and equality in the 21st century is really an act of futility.”¹²⁴ James Henry, president of the SBC, echoed these sentiments: “On the local church level there is still progress to be made. . . . Just by making a statement we didn’t heal everybody.”¹²⁵

United Church of Christ’s Apology for Participation in Overthrow of Hawaiian Nation: The United Church of Christ acknowledged that the “redress to Na Kanaka Maoli is being made because of the participation of the predecessor of the United Church of Christ in the illegal overthrow of the Hawaiian monarch in 1893.”¹²⁶

Pope John Paul II and Catholic Church’s Apology for Racial, Religious and Gender Abuses: “Today I, the Pope of the church of Rome, in the name of all Catholics, ask forgiveness for the wrongs inflicted on non-Catholics during the turbulent history of these peoples. At the same time, I pledge the Catholic Church’s forgiveness for whatever harm her sons and daughters suffered.”¹²⁷ Pope John Paul II asked forgiveness on behalf of the Roman Catholic Church for violence during the Counter-Reformation in the late 1500s, for its failure to defend human rights this century in totalitarian nations, for its complicity in the African slave trade, for “abuses committed by Christian colonizers against Indians,” as well as for society’s marginalization of women.¹²⁸

Evangelical Lutherans’ Apology for Anti-Semitism: The Church Council of the Evangelical Lutheran Church of America, over the objections of many of its leaders, apologized for founder Martin Luther’s anti-Semitism.

124. *Id.*

125. *Id.*

126. Greg Wiles, *Church Setting up Foundation for Hawaiians*, HONOLULU ADVERTISER, June 10, 1995, at A1. Statement by David Hirano, executive vice president of the United Church Board for World Ministries.

127. William D. Montalbano, *Pope Seeks End to Old Grudge in Christianity Religion: John Paul II Asks & Offers Forgiveness for Long-Ago Wars Between Catholics & Protestants*, L.A. TIMES, May 22, 1995, available in 1995 WL 2048980.

128. Elinor J. Brecher, *When Saying Sorry Is Not Enough: How To Make an Effective Apology*, SEATTLE TIMES, Aug. 22, 1995, at F7.

The formal statement issued in April 1994 acknowledged the tragic effects his anti-Judaic texts have had on later generations. "I was very touched that the Evangelical Lutheran Church in America would express itself with such courage concerning the anti-Semitism in Luther's writings," said Rabbi Martin Weiner of Temple Sherith Israel.¹²⁹

White Evangelicals Repentance and Southern Church Burnings: Amidst the rash of church burnings in the South, Ralph Reed of the Christian Coalition said white evangelicals are seeking "repentance and reconciliation" because they failed to embrace civil rights in the past.¹³⁰ "There was a time in our nation's history when the white evangelical church was not on the sidelines, but on the wrong side of the most central struggle for social justice in this century," he said on "Meet the Press:" "We come today bearing the burden of that past, with broken hearts, a repentant spirit and ready hands to fight this senseless violence." He announced that his organization would raise at least \$1 million to help rebuild African American churches that have been burned, and declared July 14, 1995, as "Racial Reconciliation Sunday" at the 100,000 churches on the coalition's mailing list, inviting them to take up a special collection.¹³¹

Reed reiterated his commitment to "stand shoulder to shoulder with [his] black brothers and sisters" in a meeting with black community leaders and ministers. His speech brought tears to the eyes of one black minister, Rev. Brenda Stevenson of Charlotte, N.C., whose church was burned months earlier. She called Reed's comments "a message to love," and, to a chorus of amens, said: "I've got a feeling everything's going to be all right."¹³²

Other leaders, however, voiced their skepticism. Nelson Rivers, southeast regional director of the NAACP, said blacks have to be wary of "Trojan horses:" "We have to really look at this horse, get inside and see

129. Mary Rourke, *Lutherans and Jews Working To Heal Past Wounds*, BUFF. NEWS, July 15, 1995, at A8.

130. Angie Cannon, *Christian Coalition Calls for Racial Reconciliation*, NEWS & OBSERVER, June 17, 1996, at A2.

131. Eric Harrison, *Christian Coalition Offers Blacks Repentance, Funds Arson: Apology for Past Inactions Coupled with Vow To Raise \$1 Million for Burned Churches*, L.A. TIMES, June 19, 1996, at A1.

132. *Id.*

what's in it."¹³³ Ronald Walters, chairman of the political science department of Howard University, explained why some ministers refused to attend the meeting: "The reason why blacks feel this olive branch is duplicitous is this organization has spent most of its time denying the legitimate interests blacks have." Walters observed that the issue could be used to divide political support for President Clinton in the South and try to strengthen the conservative Christian movement among black churches.¹³⁴

B. Businesses

Texaco Chairman's Apology for Racial Slurs: Racial slurs, used to describe black employees, were caught on tape during a meeting of senior executives of Texaco. On the tape, the senior executives referred to African American employees as "black jelly beans" that were "glued to the bottom of the bag,"¹³⁵ "porch monkeys" and "niggers."¹³⁶ Said Texaco chairman Peter Bijur, "I want to offer an apology to all men and women of all races and creed in this country. I am sorry for this incident."¹³⁷ Bijur said the statements on the tape "arouse a deep sense of shock and anger" and contain "attitudes we hoped and wished had long ago disappeared from the landscape of our country."¹³⁸ Weeks earlier, the company had announced third-quarter profits that surged fifty percent to \$434 million. As a result of the disclosures, however, Texaco officials watched helplessly as calls began for a boycott of the company, driving its stock price sharply downward.¹³⁹

Ford Motor Company's Apology and Compensation: The Ford Motor Company apologized and financially compensated four black workers in a

133. *Id.*

134. Cannon, *supra* note 130, at A2.

135. Larry King, *Texaco Tapes Called Symbol of Workplace Racism*, NEW ORLEANS TIMES-PICAYUNE, Nov. 10, 1996, at A15.

136. Courtland Milloy, *Texaco Taps a Deep Well of Racism*, WASH. POST, Nov. 10, 1996, at B01.

137. Olivier Knox, *Texaco Racial Flap Fans Flames of U.S. Race Controversy*, AGENCE FR.-PRESSE, Nov. 11, 1996, available in 1996 WL 12178369.

138. *Id.*

139. *Id.*

Dagenham, U.K. factory. The workers had been white-washed in promotional materials. Ford made the payments only after losing 2.8 million pounds when hundreds of shopfloor workers staged an unofficial three-hour stoppage. Claiming administrative error, a company executive said there was “absolutely no racial motive.” The workers reluctantly accepted the apology, saying race relations in the town had been badly damaged: “It’s a sign of just what Ford thinks of us all, and people are angry.”¹⁴⁰

Harassment and Apology at Eddie Bauer: Eddie Bauer clothing store apologized for an incident in which two uniformed off-duty police officers, working as security guards, detained and harassed two black teenagers. The guards forced one teen to take off a shirt he had purchased the previous day because he could not produce his receipt. Company President, Rick Fresch, traveled to Washington to meet with local NAACP officials and other community groups. The retail chain also donated 550 winter clothing items to two area homeless shelters and said that it would no longer allow off-duty police officers to demand receipts from customers leaving the store or to circulate through the aisles.¹⁴¹

The company initially ignored complaints and dismissed the incident as “minor,” apologizing only after newspapers picked up the story. The parents of the teenagers and civil rights groups were not satisfied with the gesture. The teens filed a \$85 million lawsuit alleging false imprisonment, defamation and a violation of civil rights, and there was talk of a boycott.¹⁴²

Skit Broadcast by New Haven Radio Station: New Haven station WKCI-FM and its parent company issued written apologies for a series of broadcasts that made fun of how foreign born Chinese people speak English. Other remedies included a broadcast apology, cultural sensitivity training and Asian American membership on new listener advisory groups. Although negotiations between the station and the Asian American community groups

140. John Mullin, *Red Faces at Ford As Staff Gets Pounds 1,500 for Race Blunder*, GUARDIAN (London), Feb. 21, 1996, at 003.

141. Judith Evans, *Eddie Bauer's Tarnished Local Image; As Its Fashions Become Popular with Urban Youth, Retailer Deals with Fallout of P.G. Incident*, WASH. POST, Dec. 30, 1995, at C1.

142. Steven A. Holmes, *Retailer Reels over Race Issue*, ROCKY MOUNTAIN NEWS, Dec. 17, 1995, at 90A.

had at times been tense, the agreement had members of the groups praising the station for its willingness to work on a solution.¹⁴³

Apology for Bigotry and Racism Aired in St. Louis: St. Louis station WKBQ-FM apologized for the racist comments of two talk show disc jockeys by promising that the station "will act affirmatively to promote understanding between all people of St. Louis and does not tolerate or condone expressions of bigotry or racism by either its personnel or callers." The radio station pledged to issue an apology letter to the community, require that all talk shows screen callers, and provide special sensitivity training and seminars for its talk show hosts. Michael Frischling, the station manager, initially only issued a warning to the talk show hosts saying that their show still was "the best radio in St. Louis." Loss of advertisers led the station to fire the talk show hosts and sue them for the lost revenue.

Leaders from the Urban League, NAACP and American Jewish Committee accepted the apology. "This signifies that we are moving forward," said James Buford, president of the St. Louis Urban League, "What happened ... is water under the bridge."¹⁴⁴

Yellow Cab's Apology for Racist Pick-up Policies: Manager of a Gainesville, Florida company apologized for a company policy of not picking up young black males who call without giving a specific address: "On behalf of myself and Yellow Cab Co., I wish to offer a sincere apology to the African-American community. I in no way intended to offend the law-abiding African-American men in Gainesville." Rodney Long, former city commissioner and director of the Florida Martin Luther King Commission, accepted McCarthy's apology and called on the city to be more aggressive in eliminating discriminatory actions by local businesses: "I have no plans to boycott Yellow Cab. This is just a wake-up call. I personally accept his apology." President Ruth Brown of the Gainesville NAACP, however, was angry: "A stiff apology is a second insult. We've been asking for our civil rights for years. This puts us back past Rosa Parks."¹⁴⁵

143. Stacy Wong, *Station Apologizes for Mocking Asians*, HARTFORD COURANT, Oct. 20, 1995, at A3.

144. Lori Teresa Yearwood, *WKBO, Civil Rights Leaders Make Peace*, ST. LOUIS POST-DISPATCH, May 21, 1993, at 03A.

145. *Cab Company Apologizes for Remarks About Blacks*, SUN-SENTINEL, Feb. 5, 1995, at A23.

McClatchy Newspapers' Apology for Racist Cartoon: Erwin Potts, president and CEO of McClatchy Newspapers Inc., apologized for a cartoon run in the Sacramento Bee using the N-word. Community outrage cost the Bee 1,672 subscription cancellations. Local black leaders accepted the apology, acknowledging that the Bee "has a long history marked by many positive contributions in Sacramento" and "has made other contributions toward race relations and promoting human rights."¹⁴⁶

IV. INDIVIDUAL

A. Public Figures and Government Officials

Sportscaster's Apology to Basketball Player: White sportscaster, Billy Packer, apologized for calling Georgetown basketball guard Allen Iverson "a tough monkey." "I don't know why people are sensitive about something that to me, in my way of thinking, has absolutely nothing to do with race," said Packer, who also held up coach John Thompson and Iverson's acceptance of the apology as proof of the lack of harm. The D.C. branch of the NAACP, however, released a statement saying, "Mr. Packer's apology may have been accepted by Mr. John Thompson and Mr. Iverson, but it is not accepted by the millions of African Americans who know all too well that racism so pervades this society."¹⁴⁷

Michael Jackson's Apology for Anti-Semitic Lyrics: Singer Michael Jackson apologized for any "hurt" caused by the anti-Semitic lyrics of his song "They Don't Care About Us." "I'm not anti-Semitic because I'm not a racist person," the artist maintained. "My accountants and lawyers are Jewish. My three best friends are Jewish. . . . I was raised in a Jewish community." The singer announced that a sticker explaining his lack of racist intent would be added to copies of the album already in the warehouses, and that he would re-record the song.¹⁴⁸

146. M.L. Stein, *Newspaper Apologizes: Sacramento Bee Editor Says the Paper Was Wrong To Run a Cartoon Containing the Word 'Nigger,'* EDITOR & PUBLISHER, Mar. 26, 1994, at 16.

147. Courtland Milloy, *The Blinding Racism of His Comment*, WASH. POST, March 6, 1996, at C1.

148. J.D. Considine, *When Lyrics Draw Fire, Most Stars Stand Their Ground*, BUFF. NEWS, July 16, 1995, at F1.

Rapper's Apology for Anti-Asian & Anti-Semitic Lyrics: Rapper Ice Cube apologized for anti-Asian and anti-Semitic songs with violent content and pledged to discourage violence against store owners and to continue "working to bring our communities closer together." The apology came in a meeting between Ice Cube, the Korean American Grocers' Association (KAGRO) and McKenzie River, the maker of St. Ides Premium Malt Liquor for which Ice Cube was a prominent endorser, after KAGRO had organized a boycott of the liquor. KAGRO leaders were pleased with the apology, conceding that Ice Cube had made some legitimate complaints and expressing hope that Blacks and Koreans would "help each other and learn to understand each other's cultures."¹⁴⁹

D'Amato's Second Apology to Judge Ito: U.S. Senator D'Amato, from New York, apologized on the Senate floor for his crude pidgin-Japanese caricature of Judge Lance Ito on a radio talk show. D'Amato stated, "As an Italian-American, I have a special responsibility to be sensitive to ethnic stereotyping. I fully recognize the insensitivity of my remarks about Judge Ito." Later, D'Amato said he also sent a note of apology to Ito. D'Amato initially issued a two-sentence statement of apology saying he was sorry if anyone was offended by his behavior, but it was not enough to placate his critics.¹⁵⁰

NYC Deputy Mayor Apology for "Watermelon" Remark: NYC Deputy Mayor John Dyson apologized for his racist "watermelon" remark: "If someone takes this as a racial comment, I'm sorry for that. . . . I have learned some more about the extreme sensitivities in the city of New York, which is more so than in other parts of the state of New York where I have served before."¹⁵¹

New Jersey Governor's Apology: New Jersey's Governor Christie Whitman apologized for her remarks that "some young black males make a game out of fathering babies out of wedlock." "I would certainly offer an apology to anyone who was offended by it," she offered, "But . . . this is something that's real, that's happening." Sen. Wayne Bryant (D-New Jersey),

149. Jeff Chang, *Race, Class, Conflict and Empowerment: On Ice Cube's "Black Korea,"* 19 AM. J. 87, 96-97 (1993).

150. *Senator D'Amato Apologizes for Mocking Lance Ito*, ARIZ. REPUBLIC, Apr. 7, 1995, at A2.

151. John McLaughlin, *Remarkably Out of Touch: Deputy Mayor Dyson Ignores Reality in Wake of Racist Comment*, STAR-LEDGER, July 12, 1994, available in 1994 WL 12468797.

who is black, was not mollified by the apology: "I think it was at best half-hearted."¹⁵²

Legislator's Apology for Calling Colleague an "Inner City Nigger:"

White state representative Terry Van Horne apologized for calling fellow black representative Dwight Evans "an inner-city nigger." The apology was made during six hours of meetings with the entire Democratic Caucus. Evans accepted Van Horne's apology, the two hugged and the meeting ended with a prayer for unity. Van Horne publicly apologized to Evans and the entire House the next day.¹⁵³

Councilwoman's Apology for Racist Remarks about Latinos, Asians and Gays: San Jose councilwoman Kathy Cole, who is Black, publicly apologized for remarks and gestures about Latinos, Asians and gays. The apology was not enough to prevent her from becoming the first councilmember in city history to be voted out of office. Over fifty-nine percent of voters favored her recall. Cole's comments, made at an African American leadership conference, might have remained behind closed doors were it not for the outrage of another black official, Superior Court Judge Ladoris Cordell, who publicly scolded Cole at the conference and then provided the media with videotapes of the incident.

Cole's supporters insisted that she was just expressing frustration that blacks had not achieved as much politically as other groups. Ben Manor, a spokesman for the multi-ethnic recall movement, said that Cole's recall "makes [a] statement that we are a diverse community, and we will not tolerate racism and bigotry from anyone, especially from a public official It symbolizes our changing community—that the minority is now majority. And because of that, public officials in the traditional (fragmented) mode of thinking have to change to meet the demographic changes of our society."¹⁵⁴

South Carolina Senator's Apology for Insulting African Leaders:

South Carolina Senator Ernest Hollings apologized for a comment he made two

152. Ron Marsico, *Whitman Apologizes for Talk of Black 'Game,'* STAR-LEDGER, Apr. 14, 1995.

153. Adam Bell, *Legislator's Slur Symptom of House Ailments,* HARRISBURG PATRIOT & EVENING NEWS, June 26, 1994, at A3.

154. Steven A. Chin, *San Jose Councilwoman Loses Recall Election,* S.F. EXAMINER, Apr. 13, 1994, at A4.

months earlier that African leaders should attend international trade conferences so they could "get a good square meal" instead of eating each other. "I made a joke, if some found the joke to be in bad taste, I apologize for making a tasteless joke." NAACP Board of Directors Chairman, Dr. William Gibson, said the apology was too little too late. "It is belated, . . . wasn't made voluntarily. It was done after the media exhibited a considerable amount of pressure. . . . This is not just a one-time incident . . . and you can just not forgive people if they continuously try to offend you with racist statements."¹⁵⁵

California Assemblyman's Quasi-Apology for Derisive Poem: White California assemblyman, William Knight, apologized for distributing a poem deriding illegal immigrants during a two-hour meeting with 100 Latino constituents. However, "Knight continued to blame immigrants for draining money from social programs, refused demands that he hire Latinos to work in his Assembly office, and declined to support a state holiday honoring Cesar Chavez."¹⁵⁶

School Administrators' Apology to Fourth Graders Submitted to Racially Charged Survey: El Cajon, California school district administrators apologized to a group of African American parents. The incident, in which their fourth-grade sons were taken out of class without permission and asked a series of racially charged questions, was for a survey taken by a white college student and aspiring teacher. The administrators also promised to provide the students with at-home tutoring for the remainder of the school year. The parents told the superintendent and principal that an apology was not enough, and are talking about filing a lawsuit against the district. "These are babies, and the people at that school should be ashamed," said one of the parents.¹⁵⁷

Principal's Apology for Anti-Interracial Lecture: Jamestown Middle School Principal apologized for anti-interracial dating comments to two sixth graders, a black male and white female, caught kissing in the halls. The lecture included references to the KKK and the suicide of a college student. "I had

155. *Senator Hollings' Apology Not Enough, Says NAACP Board Chairman Gibson*, JET, Mar. 7, 1994, at 35.

156. John Chandler, *Latinos Fail To Change Knight's Viewpoint Race Relations: Activists Had Hoped To 'Re-Educate' the Assemblyman*, L.A. TIMES, May 24, 1993, at A1.

157. P.J. Huffstutter & Steve Schmit, *Unauthorized Survey at School Angers Black Parents in El Cajon*, SAN DIEGO UNION-TRIB., June 8, 1996, at B4.

absolutely no improper racial intent,” read his apology, “Although I did not realize it at the time, I am now fully aware of how my comments could be perceived as racially biased.” Although he was reprimanded and docked one week’s pay, the black student’s mother was dissatisfied: “The school board made their decision, but this will make an impact on the rest of my son’s life.”¹⁵⁸

School Trustee’s Apology for Racial Slurs: Dan Peavy, Dallas school board member, offered “my deepest, heartfelt apology” for racial slurs against students and teachers. “Apology not accepted,” said John Wiley Price, a black county commissioner. “It’s not like we don’t know there are Mark Fuhrmans and Dan Peavys in the world, but it’s another thing when they control taxpayer funds.”¹⁵⁹

School Board Member’s Refusal to Apologize Again: White Grand Rapids school board member Susan Zimmerman issued another apology for an incident in which she penned notes deemed insensitive by Hispanics. Her first apology was rejected by leaders of a recall campaign. “I have apologized numerous times, publicly and privately,” she said, “I’m through with apologizing.... The children are really important, and we need to work to help the children.” The leaders of the recall movement decided to accept the apology and discontinue the recall. “I want to see healing take place on the school board, and I think it’s time to put this sad thing behind us,” said Levi Rickert, one of the recall committee members.¹⁶⁰

Rutgers President’s Apology for Stating that the Disadvantaged Are Genetically Inferior: Rutgers’ President Francis Lawrence, who is white, issued a public apology for his statement that the “disadvantaged” lack the “genetic hereditary background” to perform well on standardized tests like the SAT. Months later, he unveiled an elaborate plan to improve race relations including setting aside funds to attract minority faculty, bringing in more black teaching

158. Anna Varela, *Jamestown Principal To Return Monday*, GREENSBORO NEWS & RECORD, Feb. 10, 1996, at B1.

159. *School Trustee in Dallas Apologizes for Racial Slurs*, SAN DIEGO UNION-TRIB., Oct. 1, 1995, at A10.

160. Darci McConnel, *Committee Calling Off Bid To Recall Susan Zimmerman: The School Board Member Apologizes, Again, for Notes She Wrote That Might Have Been Offensive to Hispanics*, GRAND RAPIDS PRESS, Aug. 4, 1995, available in 1995 WL 3021376.

assistants, offering sensitivity-training for freshmen, as well as a campaign to raise \$1 million in scholarship money for black students. The plan was developed through a cooperative effort on all three Rutgers campuses and with the help of several outside consultants.¹⁶¹

Montreal Police's Apology for Using Black Youths in Lineup: White Montreal police chief apologized for using nine black high school students in a police lineup without their parents' permission. "My officers were not acting in bad faith," he said. "They were just following procedure. But after seeing the response . . . , we have decided to change things." Black-community leaders who had pledged to stop working with the police until they received a public apology accepted the apology, saying, "We can't jeopardize the work we have done over the past few years."¹⁶²

Teacher's Apology for Holding an Elementary School Slave Auction: A white Pennsylvania elementary school teacher issued what was described by her superintendent as an "in-depth, person-to-person and heartfelt" apology to the parents of two black elementary school kids used in a classroom slave auction. Despite protests by the NAACP and coverage on the "Donahue" television show, the superintendent said the teacher would not be fired. Superintendent Daniels reviewed steps the district had already taken and planned to take to combat alleged racism, including workshops and ethnic awareness programs.¹⁶³

B. Private Actors

Korean Grocer's Apology for Macing African American Student: Attempting to defuse racial tensions, Korean American grocer, Taek Won Kim, publicly apologized for macing African American student, Marquette Jones, during a dispute in his store. Kim made the apology to the University of California at Berkeley junior, promising to stop using Mace in his store. "'Maybe it was my fault,'" Kim told the San Francisco Chronicle, "'I

161. Adrienne Knox, *Rutgers Acts To Upgrade Racial Ties*, STAR LEDGER, June 10, 1995, available in 1995 WL 8851669.

162. Katherine Wilton, *Police Apologize for Luring Teens to Lineup*, MONTREAL GAZETTE, Apr. 28, 1995, at A1.

163. *Parents Rally to Side of Embattled Octorara Teacher*, LANCASTER NEW ERA, Feb. 10, 1993, at B1.

apologize. I don't want this to be a bigger thing than it is' . . . Kim said that he has received telephone threats and that his shop has been vandalized since the incident."¹⁶⁴

The conflict erupted over a bottle of juice. Kim said Jones called him a "chink" and threw a penny at him during a heated exchange of words. Then Jones said she did not want the juice and asked for her money back. Kim put the money on the counter. Angered, Jones knocked down a jar of gum. When she shoved and struck an employee trying to remove her, Kim maced her. Jones disputes Kim's version. She says she tossed the penny in the air, not at Kim, and that Kim threw the change at her. She admits knocking over a jar, but says she never cursed or hit anyone and was maced as she tried to flee.

A group of students, mostly black, organized a boycott against Kim, whom they said mistreated other patrons, not just blacks. According to the organizers, the boycott had "no racial tint at all," meaning that students of all ethnic backgrounds will be asked to stop frequenting the shop. Others, mostly Korean Americans, came to Kim's defense. Jones also filed a lawsuit against Kim, alleging "that the incident was motivated by racial prejudice, surprising many people on both sides of the conflict who had maintained for weeks that race was not an issue."¹⁶⁵

Korean Shop Owner's Apology: In November 1995, Tong Chun Park apologized for the alleged beating by store employees of a pregnant black woman: "I would like to extend my apology to the African-American community. In the future I will strive to promote better relations between the customers and Beauty Island." The statement, following private apologies to several customers alleging mistreatment by store employees, was part of an agreement reached with a federal mediator's help. It also involved reimbursing fines paid by customers who said they were wrongfully arrested at the store and steps to "expunge the record of any customer who had been falsely accused." In return, daily demonstrations at the store were suspended.¹⁶⁶

"This isn't the end of anything," said Teju Ologboni, radio talk show host and protesters' spokesperson. "The apology is the beginning of working

164. *Korean Grocer Apologizes for Spraying Black Student with Mace During Dispute*, L.A. TIMES, Feb. 28, 1993, at A25.

165. Yumi L. Wilson & T. Christian Miller, *Mace Fracas Accents Ethnic Gaps*, S.F. CHRON., Mar. 22, 1993, at A11.

166. Jesse Garza, *Black Patrons Have Alleged Mistreatment by Store Employees*, MILWAUKEE J. & SENTINEL, Nov. 26, 1995, at 1.

things out.” “We didn’t do this for no apology,” said Kwabena, a member of the group that began the demonstrations: “This is about putting some of those dollars you make back into the community.”¹⁶⁷ Over the ensuing months, Park’s car was damaged, and his store was hit with rocks, pellets, and firebombs. “BUY BLACK” was spray-painted on the store.¹⁶⁸ Protests flared again in May 1996. Ologboni claimed that Park never publicly apologized for his employees’ actions, and other conditions of the agreement, such as reimbursing fines paid by customers falsely accused of shoplifting, were never met.¹⁶⁹ Michael McGee, Ologboni’s talk show co-host and former Alderman, warned that the attacks were just the beginning of acts against foreign store owners in the black community: “There’s going to be more reprisals, not just against the store but against the people going into the store.”¹⁷⁰

Park, who bought Beauty Island with money saved from working as a taxicab driver and dishwasher, refused to close the store: “They can damage my property, but they can’t damage my mind.”¹⁷¹ He said his customers remain loyal and many have apologized for the protesters.¹⁷² Park denies the beating of the pregnant woman, saying that the woman’s mother was shoplifting from his store. Concerning his apology, he claimed, “I just wanted to move on I had nothing to be sorry for.”¹⁷³

Church Deacons’ Apology for Request To Exhume Mixed-Race Baby: Deacons of Barnett Creek Baptist Church in Thomasville, GA, apologized for their request, made to the mother and relatives of a mixed-race baby, that the baby be exhumed from the all-white graveyard and moved to a graveyard that accepted blacks. “I got what I wanted,” said Jaime Wireman, the mother of the

167. *Id.*

168. Meg Kissinger, *Beauty Island Rhetoric Stays Hot*, MILWAUKEE J. & SENTINEL, May 4, 1996, at 1.

169. Mike Nichols, *Council Chief Calls Attacks on Beauty Island ‘Cowardice,’* MILWAUKEE J. & SENTINEL, May 7, 1996, at 1.

170. Jessica McBride, *Racial Tension*, MILWAUKEE J. & SENTINEL, May 6, 1996, at 1.

171. Kissinger, *supra* note 168, at 1.

172. McBride, *supra* note 170, at 1.

173. Kissinger, *supra* note 168, at 1.

child, "Whitney [the baby] can rest." The parents and their relatives accepted the apology, but said it will be a long time before the hurt fades.¹⁷⁴

Susan Smith's Brother's Apology for Sister False Accusation of Blacks: Susan Smith's older brother apologized to blacks for his sister's false claim of a black kidnapper. "It's real disturbing to think that anyone would think this was even a racial issue. We apologize to all the black citizens here in Union and everywhere." One black resident of Union, GA, expressed his ambivalence about the apology: "We have to accept his apology for her. But really, he didn't have to do it. She did." Meanwhile the county sheriff, Howard Wells, defended his questioning of scores of black men during the nine-day search for the missing children. "I have no apology for any decision or action I took."¹⁷⁵

Apology For Cross Burning: A white North Dakota man convicted in 1990 for burning a cross outside an apartment building where black families lived made a "sincere apology" to the family of Pearl Jones, who saw the cross burning. The apology, along with a deadlocked jury, convinced the U.S. Justice Department to request a dismissal of the case.¹⁷⁶

Property Manager's Apology for Offensive Newsletter: A white property manager apologized to residents of an apartment complex for putting into a newsletter a sketch offensive to blacks. "We're sorry if we offended anyone. . . . There was no intent to do so." The tenants were not placated, however, and planned to file discrimination charges with city, state and federal agencies. "Every time they do something, they apologize: It's not going to take away the damage that's been done," said Lynn Winslow, an African American and eight-year tenant of the complex.¹⁷⁷

174. *Request To Exhume Baby of Mixed Race Withdrawn; Ga. Deacons Apologize for Wanting to Keep Cemetery All-White*, BALTIMORE SUN, Mar. 31, 1996, at 12A.

175. Michele Parente, *Boy's Uncle Apologizes to Blacks: Aims To Ease Tensions over Mom's Abduction Claim*, BUFF. NEWS, Nov. 9, 1994, at A13.

176. *Indictment Dismissed Against Man Convicted of Burning Cross at Black Families' Apartment*, STAR TRIB., Aug. 4, 1994, at 02B.

177. Constantine Angelos, *Tenants To Seek Formal Redress over Racial Slur*, SEATTLE TIMES, Apr. 3, 1995, at B3.

Apology To Widow For Husband's Murder: The widow of a deceased Klansman wrote a sorrowful letter of apology to the widow of a victim of murder committed in 1957. She claims that her husband made the confession to her in the waning months of his life: "I hope maybe one day I can meet you to tell you face to face how sorry I am . . . May God bless you and your family and I pray that this letter helps you somehow."¹⁷⁸

178. Adam Nossiter, *Klansman's Remorse Lifts Shroud from '57 Killing*, MORNING NEWS TRIB., Sept. 7, 1993, at A8.